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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,484	11/21/2001	Manabu Oumi	S004-4470	5218

7590 06/20/2003

ADAMS & WILKS  
50 Broadway, 31st Floor  
New York, NY 10004

EXAMINER

SPECTOR, DAVID N

ART UNIT	PAPER NUMBER
	2873

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/997,484	OUMI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	David N. Spector	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11/21/2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) 1-24 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input checked="" type="checkbox"/> Other: <i>DETAILED ACTION</i> .

## DETAILED ACTION – EX PARTE QUAYLE

1. This application is in condition for allowance except for the following formal matters: The instant disclosure appears to be a literal translation of a foreign-language document into the English language. It includes numerous minor defects and errors (e.g. *missing words, improper punctuation, grammatical/idiomatic errors*) that render its meaning unclear. Appropriate revisions/corrections are required to the claims therein, in proper idiomatic English, and in compliance with 37 CFR 1.52(a) and (b). In addition, applicant is also encouraged to provide revisions/corrections to the abstract and specification to improve and/or refine the clarity of material included therein). The revisions/corrections filed must be accompanied by a statement that no new matter is incorporated or being introduced therein.
2. Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

### ***Allowable Subject Matter***

3. Claims 1-24 would be allowable except for the aforesaid informalities therein. The following is a statement of reasons for the indication of allowable subject matter: each of applicant's independent claims 1 and 2 reads on a novel mechanical method for forming an optical aperture wherein an "object for aperture formation" is provided as a thin layer of optical shielding film disposed on a working face of a die-like stamping structure comprising a conical/pyramidal tip and one or more stops formed on an optical

substrate. A face of a "pushing body" is made to be opposed to the working face of the object for aperture formation, and the two are brought together with sufficient force to expose a small portion of the tip by a plastic deformation of the optical shielding film against the surface of the pushing body, with the stops limiting the distance between the pushing body and object for aperture formation, and hence, the dimensions of the aperture formed by this method. Independent claim 23 reads on a method for making a probe for a near-field optical system which includes the novel method of applicant's independent claims 1 and 2.

***Other Remarks/Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (703) 305-1521. The examiner can normally be reached at this number Monday through Friday between 6:30 AM and 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703) 308-4883. The fax number for the organization where this application is assigned is (703) 308-7722.

June 18, 2003



David N. Spector  
Primary Examiner